

STIPULATION

IN THE MATTER OF:

**Alleged Alcoholic Beverage
License Violation
FS Midwest Restaurant Ventures
1901 Killebrew Drive
Bloomington, MN 55425**

CITY COUNCIL HEARING

The City of Bloomington, through its undersigned attorney, and FS Midwest Restaurant Ventures, Inc., through its undersigned agent, hereby stipulate to the following facts:

1. FS Midwest Restaurant Ventures is licensed under Chapter 13 of the Bloomington City Code to operate an on-sale intoxicating liquor establishment known as Redrossa Italian Grill, located at 1901 Killebrew Drive, in the City of Bloomington.

2. On December 17, 2014 at approximately 6:45 p.m., two Bloomington police operatives, a 19 year-old male, and a 20 year-old female, entered Redrossa Italian Grill, located at 1901 Killebrew Drive, in the City of Bloomington. The 19 year-old operative proceeded to order a glass of tap beer and the 20 year-old operative ordered a bottled beer. The bartender, subsequently identified as Justen Curtiss Thelen (d.o.b. 04/15/1993), requested the female operative's identification, which the operative provided. The operative's identification clearly identified the operative as being under 21 years of age. Mr. Thelen viewed the operative's identification, returned it to the operative, and served the male operative with the tap beer. Mr. Thelen then walked away to retrieve the bottled beer for the female operative. No money was tendered as the alcoholic beverages were put on an open tab. Mr. Thelen did not ask the male operative for his age nor did he ask to view the male operative's identification.

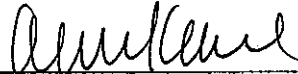
3. At no time did the operatives lie about their age. After the service of the alcoholic beverages, a Bloomington police officer identified herself to Mr. Thelen and advised Mr. Thelen that he had served two minors.

4. Based on the foregoing facts, Mr. Thelen was charged with a gross-misdemeanor offense of selling an alcoholic beverage to a person under 21 years of age, in violation of Minnesota Statutes, Section 340A.503, subd. 2(1), and in violation of Section 13.52 of the Bloomington City Code.

5. The parties agree that copies of the Bloomington Police Department records regarding this incident are incorporated into this stipulation by reference.

DATED: 2.3.15

THE CITY OF BLOOMINGTON



Ann Kaul (Att. Id. #0268173)

Associate City Attorney

City of Bloomington


1800 West Old Shakopee Road

Bloomington, Minnesota 55431

(952) 563-4893

DATED: 2.2.15

FS MIDWEST RESTAURANT VENTURES



FS MIDWEST RESTAURANT VENTURES

By Its: Regional Manager

Bloomington

Disposition:

INCIDENT

Case Number: 14012962

Title: LIQUOR/TOBACCO COM

14012962

Charges/Offenses: 340A.503.2(1)

Needs Follow-up: No

Incident Type:

Citation Issued: No

Investigation Needed: No

CAD #: LBP141217068857

Admin Review Needed: Yes

How Initiated: Dispatch

Drug Related: No

Gang Related: No

Domestic Related: No

OFFICER INFORMATION

Name	Agency	Badge	Type
Kerri A Nolden	Bloomington	237	Investigator

EVENT DATES

Reported	On Scene	Cleared
2014-12-17 18:45	2014-12-17 18:46	2014-12-17 18:49

INCIDENT DETAILS

Address: 1901 Killebrew Drive; Bloomington, MN; US

Location Type:

Location Description: DAYS INN HOTEL

Start Date: 2014-12-17 18:45

End Date: 2014-12-17 18:49

SYNOPSIS

Restaurant served alcohol to a minor.

Parties Involved

PERSON 1

Role(s): Suspect

Last: Thelen First: Justen Middle: Curtiss Suffix:

Date of Birth: 1993-04-15 Age: 21 Is Juvenile: No

Residence: 20665 Dyers Pass; Farmington, MN 55024; US

Work Phone: (952)814-2910

Description:

Sex: Male Height: 510 Weight: 155 lbs Hair: Eyes: Brown

Race: White Ethnicity: Build: Complexion:

ASSIGNED ID INFORMATION

Type	Authority	ID
Drivers License	Minnesota	J070195315007

EMPLOYMENT INFORMATION

Name: Red Rossa Type:

Occupation: Server Shift:

Address: 1901 Killebrew Drive; Bloomington, MN; US

Address Description: DAYS INN HOTEL

Work Phone: (952)814-2910

Description:

Incident Report

Bloomington
Disposition:

INCIDENT

Case Number: 14012962
Title: LIQUOR/TOBACCO COM

14012962

BUSINESS 1

Role(s): Mentioned

Business Name: Red Rossa Italian Grille

Business Type: RESTAURANT/BAR/CLUB

Description:

Location:

OFFENSE INFORMATION

Type: Statute	Chapter: 340A	Section: 503	Subdivision: 2(1)	Citation #:
UOC: 4199		Level:		Enh. Factor:
Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr				

STATEMENT

While working liquor compliance detail the following occurred:

Operatives known as BMS (19 yoa male) and KMO (20 yoa female) entered Red Rossa Italian Grille at approximately 1845 hours. I followed behind them and waited near the business entry to observe.

The bartender was a white male with dark hair. BMS ordered a glass of tap beer and KMO ordered a bottled beer. The bartender asked KMO for her driver's license, which she presented his Wisconsin state license card, which showed her photo image and personal information. BMS was never asked for his driver's license.

The bartender viewed KMO's license, served the tap beer to BMS and walked away (to get bottled beer). I alerted BMS and KMO to leave the bar area. BMS stated that he was never asked his age nor was he asked about his identification. KMO stated that she was asked for her ID which she presented to him. They did not tender money or receive a receipt, open tab.

I made contact with the male bartender, who was identified via MN picture DL as Justen Thelen. I identified myself to Thelen, advising that he had just sold an alcoholic beverage to a minor. He was immediately apologetic and cooperative.

Management for the business was advised. Red Rossa Italian Grille provided their city alcohol license #34272. They stated that they had no previous violations. They were advised that a report would be completed and charges would be pending against the bartender and business, after review by the Bloomington City Attorney's Office.

Digital photos of the beer, receipt and city license were added to the case file.

The beer was returned to the business.

No further information.

DOCUMENT APPROVAL HISTORY

Created By: Kerri A Nolden

On: 2014-12-18 11:12:39

Incident Report

14-12962

Red Rossa Italian Grille

Server: Justen
Fast Close/1
Guests: 0

12/17/2014
6:44 PM
40076

Tap Summit 5.50

Subtotal 5.50
Tax 0.70

Total 6.20

Balance Due 6.20

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\$10.00 Free for you



January 5, 2015

FS Midwest Restaurant Ventures
1901 Killebrew Drive
Bloomington, MN 55425

RE: Alleged Alcoholic Beverage License Violation

Dear Sir or Madam:

The City of Bloomington's records indicate that a sale of alcoholic beverages to a person under the age of 21 years was made by an employee of Redrossa Italian Grille located at 1901 Killebrew Drive, Bloomington, Minnesota, on December 17, 2014. Pursuant to Chapter 13 of the Bloomington City Code, the City Attorney's Office will be presenting the alleged alcoholic beverage license violation before the Bloomington City Council on **February 23, 2015, at 7:00 p.m.**

Section 13.55 of the Bloomington City Code provides that the City Council may revoke a license, suspend a license for up to sixty (60) days, impose a civil fine of up to \$2,000, or impose a combination of these sanctions for a violation of the City's alcoholic beverage control ordinance or a state law relating to alcoholic beverages.

In preparation for the public hearing on February 23, 2015, I am enclosing a copy of a proposed stipulation of facts regarding the sale to the minor that occurred at your establishment. Please contact me if you have any questions regarding this stipulation. If it meets with your approval, please sign it and return it to me along with copies of any documents you intend to present at the hearing on or before **February 2, 2015**. At the hearing, you will be able to present any arguments on your own behalf as to proper penalty, but the facts agreed to in this stipulation will govern the hearing.

Please contact me regarding this matter at your earliest convenience.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ann Kaul".

Ann Kaul
Associate City Attorney

Enclosures

cc: Doug Junker, City of Bloomington Licensing Department
Redrossa, Attn: General Manager, 1901 Killebrew Drive, Bloomington, MN 55425